

Application No. 10/801,050 - - - - - 4

### Remarks

This communication is presented in response to the Notice of Non-Compliant Amendment dated December 22, 2008. The Notice indicated that the listing of claims erroneously lists claims 1-36 as being canceled. In fact, claims 1-6, 8 and 12-40 have been canceled, and claims 7, and 9-11 are pending in this application.

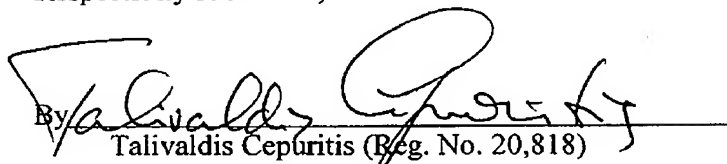
Claims 9 and 11 have been amended to change their dependency in view of cancellation of claim 8. No new matter is added.

Claims 7 and 9-11 stand rejected as allegedly being anticipated by Boschelli *et al.* This rejection is traversed. The Office Action states that the applied reference indicated that the compounds disclosed therein "could be efficacious for the treatment of various diseases". This is nothing more than an invitation to experiment. The physiological arts are unpredictable. There is nothing in the reference that would have given one of ordinary skill in the art a reasonable expectation that the compounds set forth in the present claims would in fact be useful in the treatment of myocardial infarction. Accordingly, withdrawal of the rejection is warranted.

In view of the foregoing, early allowance the present claims and passage of the application to issue is solicited.

Respectfully submitted,

Dated: January 19, 2009

By   
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